



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/690,178

10/20/2003

Shenli Ko

GAMBOL03-06

3951

52396

7590

08/01/2006

ROBERT RYAN MORISHITA
MORISHITA LAW FIRM, LLC
3800 HOWARD HUGHES PKWY,
SUITE 850
LAS VEGAS, NV 89169

EXAMINER

KIM, ANDREW

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,178

Applicant(s)

KO, SHENLI

Examiner

Andrew Kim

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because fig. 1 and 2 are unclear and illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7, 9, 11, 13, 16, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Vancura (US 2003/0011127 A1).

Vancura discloses a replacement for the traditional baccarat tie wager comprising the tie wager to be broken down into several different kinds of ties.

Claims 1, 16, 17, 19: Vancura discloses

- a player placing a tie wager; (paragraph 69)

Art Unit: 3712

- issuing an award to the player for the tie wager in the event of at least one of
 - (1) the Banker and Player hands tying or being within at least one of each other, (Table 1, 3-card 8 vs. 8 are tying hands and there are at least one number of cards of each other)
 - (2) the Banker and Player hands tying and a predetermined number of cards having been dealt to the hands in that round (paragraphs 72), and
 - (3) the Banker and Player hands tying and (a) a predetermined number of cards having been dealt to the hands in that round and (b) the tie being at a predetermined value (paragraph 72).

Claim 2: Vancura discloses

- a player making a tie wager; and
- issuing an award to the player based on the tie wager when one of (a) the Banker and Player hands tie in value or (b) the Banker and Player hands are within at least 1 of each other. (Table 1, 3-card 8 vs. 8 are tying hands and there are at least one number of cards of each other)

Claim 3: Vancura discloses issuing an award to the player if the hands tie or are within 1 of each other (Table 1, 3-card 8 vs. 8 are tying hands and there are at least one number of cards of each other)

Claim 5: Vancura discloses issuing an award to the player where the Banker and Player hands tie based upon the total number of cards dealt to the Banker and Player hands combined in that round of play (Table 1) a six card tie pays off more than a four card tie.

Claims 7, 9, 11, 13: Vancura discloses issuing an award to the player where the Banker and Player hands tie based upon the tie values and/or the number of cards dealt to the Banker and Player hands combined (table 1, a 3-card 9 vs. 9 pays off more than a 3-card 8 vs. 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3712

Claims 4, 6, 8, 10, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura.

Claims 4, 8, 10, 14, 15, 18: Vancura teaches issuing an award to the player based upon their tie wager but fails to explicitly disclose the specific payoffs (5:1 for a ordinary tie and 1:1 for a near-tie (claim 4)). However, it would have been obvious to one of ordinary skill in the art to modify the tie payoffs of Vancura to meet any number of requirements or characteristics desired by the casino as disclosed in paragraphs 74 and 77-79. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Vancura with different payoffs according to the desires of the casino which would maximize profits and player appeal.

Claims 6, 12: Vancura teaches issuing an award to the player based upon the total number of cards dealt to the Banker and Player hands combined in that round of play (Table 1) a six card tie pays off more than a four card tie, but fails to explicitly disclose the specific payoffs recited in claim 6. However, it would have been obvious to one of ordinary skill in the art to modify the tie payoffs of Vancura to meet any number of requirements or characteristics desired by the casino as disclosed in paragraphs 74 and 77-79. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Vancura with different payoffs according to the desires of the casino which would maximize profits and player appeal.

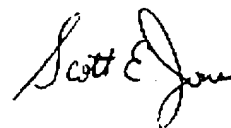
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 7/24/2006



SCOTT JONES
PRIMARY EXAMINER